FEBRUARY 5, 1768.

Unto the Right Honourable the Lords of Council and Session,

THE PETITION and COMPLAINT OF

Sir *Alexander Dick* of *Prestonfield*, Bart. *Robert Hepburn* of *Clerkington*, Esq; *George Inglis* of *Reidhall*, Esq; and Mr. *Andrew Burnet*, Writer to the Signet, four of the Freeholders of the County of *Edinburgh*,

AGAINST

JAMES BLAIR, Writer in *Paisley*,

Humbly sheweth,

THAT, at the *Michaelmas* Head-court, held for the County of *Edinburgh* on *Tuesday* the 6th of *October* last, there was presented to the Meeting of Freeholders of said County, a Claim for the said *James Blair*, craving that he should be inrolled in the Roll of Freeholders intitled to vote at the Election of a Member to serve in Parliament for the said County.

That the said Claim sets forth his Titles to be as follows, *viz.* Instrument of Resignation in favour of *James* Earl of *Aber-* Aug. 6th, 1765.

corn, of the Lands, Lordſhip, and Barony of *Paiſley*, as alſo, of theſe Parts and Portions of the Lands and Barony of *Duddingſton* after mentioned, *viz.* that Part and Portion of the Town and Lands of *Weſter Duddingſton*, called *Northfield*, preſently poſſeſſed by *Andrew Scott*, Tenant thereof, with the Pertinents of the ſame, and Tiends, Parſonage and Vicarage of the ſaid Lands, lying within the Pariſh of *Duddingſton* and Shire of *Edinburgh*.

Item, Charter of Reſignation under the Great Seal, of the ſaid Lands, Lordſhip, and Barony of *Paiſley*, and of the foreſaid Lands and Barony of *Duddingſton*, in favours of the
Aug. 6th, 1765. ſaid *James* Earl of *Abercorn*, dated 6th *Auguſt* 1765.

Item, Diſpoſition of the foreſaid Parts and Portions of the Lands and Barony of *Duddingſton*, with the Tiends and Pertinents, granted by the ſaid *James* Earl of *Abercorn* to the Claimant, in Liferent, and to the ſaid Earl, his Heirs and Aſſignees, in Fee, containing an Aſſignation to the foreſaid Charter, and Precept of Seaſine therein contained, in ſo far as concerned the foreſaid Parts and Portions of the Lands and Ba-
Sept. 17, 1766. rony of *Duddingſton* thereby diſponed, dated 17th *September* 1766.

Item, Inſtrument of Seaſine of the foreſaid Parts and Portions of the Lands and Barony of *Duddingſton*, in favours of the Claimant in Liferent, following upon the ſaid Charter of Reſignation, and the Conveyance thereto, before mentioned;
Sept. 18, 1766. which Inſtrument bears Date, 18th *September* 1766, and is regiſtered in the Particular Regiſter of Seaſines for the Shire of *Edinburgh*, the 20th of the ſaid Month of *September*.

And the Claim ſet forth, that the foreſaid Parts and Portions of the Lands and Barony of *Duddingſton* are valued in the Ceſs-books of the ſaid Shire, beyond the Sum of 400 *l. Scots*.

That the Freeholders admitted the ſaid *James Blair* upon the Roll, and he is inrolled accordingly.

That

And

That the Petitioners, under the Statute the 16th of his late Majesty King *George* II. beg leave to enter this Complaint to your Lordships, against the foresaid Inrolment, which they apprehend was wrongfully made, and that, when the Claimant's Titles are properly considered, he must be expunged from the Roll of Freeholders.

That, by the Statute, Parliament 3d, of King *Charles* II. *anno* 1681, it is ordained, "That none shall have Vote in "the Election of Commissioners for Shires or Stewartries, "but those who at that Time shall be publickly infeft in "Property or Superiority, and in Possession of a Forty-shil- "ling Land of old Extent, holding of the King or Prince, "distinct from the Feu-duties in Feu-lands, or, where the said "old Extent appears not, shall be infeft in Lands liable in "publick Burdens for his Majesty's Supplies, for 400 *l.* of "valued Rent;" and from this, and the Statute the 7th of his late Majesty, it will be perceived how anxious the Legislature has been to guard against nominal and fictitious Votes, which the Petitioners hope will have Weight with your Lordships, when judging of these sham Votes which have been of late multiplied to such a Height in many Parts of this Country, to the great Inconvenience and Prejudice of Persons of all Ranks.

That the Petitioners have the greatest Reason to believe, that the Claimant's Title to the Freehold-qualification claimed by him, is merely nominal and fictitious, and that he is not in Possession of the Lands set forth in his Claim, as the Law directs; and, as the Point concerning nominal and fictitious Votes, is now under Consideration of the Court, the Petitioners thinking themselves bound in Duty to the County, to keep the Roll of Freeholders as pure as possible, make this Application to your Lordships, in order that the Freehold-qualification of the said *James Blair* may be regulated by the general Decision of the Court, concerning nominal and fictitious Votes, in case the Objection to be hereafter stated shall not be sustained.

And

And, *ſecondly*, not only do the Petitioners apprehend and believe, that the Vote of the ſaid *James Blair* is entirely nominal and fictitious, and that he is not in Poſſeſſion of any real or proper Eſtate, that will entitle him in Law to a Freehold-qualification in this County, but they alſo apprehend the following Objection is ſolid, and muſt be fatal to his Claim and to the Inrolment that followed upon it: He thereby claims to be inrolled in virtue of the foreſaid Lands in which he ſtands infeft, as aforeſaid, and as he does not reſtrict his Claim to the Superiority, nor make an Exception of any Vaſſalage or Feu-rights of theſe Lands, which may have been previouſly granted, it is plain that he claims to be inrolled upon both Property and Superiority; but the Petitioners cannot readily believe, that the Earl of *Abercorn* would grant away his Eſtate of *Duddingſton*, both Property and Superiority, for the Lifetimes of the ſaid *James Blair*, and the other three Gentlemen on whom he intended to beſtow Freehold-qualifications, and that for the ſingle Purpoſe of having four of his Friends ſtanding on the Rolls of this County; and if the Lands claimed by the ſaid *James Blair*, do not belong to him, or if he is not in Poſſeſſion, it is clear both his Claim and Inrolment have been erroneous, and he muſt yet be expunged from the Roll of Freeholders.

Before concluding, the Petitioners beg leave to declare they have no Intention to do any thing that is diſreſpectful to the Noble Earl, from whom *James Blair* acquired this Vote; but in this they act agreeable to that Principle, which they hope always to obſerve, by objecting againſt every Freehold-qualification claimed in this County, where the Titles appear obviouſly to be nominal and fictitious.—When the Claim was moved at the Meeting of Freeholders, a Queſtion was put by a Member of the Meeting, Whether the Vote now objected to, and ſome others in the ſame Situation, were made up in terms of Law? And the Anſwer given was, that they were made up agreeable to the Deciſions of the Court

of

of Session; and, upon this Answer, the Claim was

and it is probable that the Petitioners would not

troubled your Lordships with this Complaint, if they did not entertain Hopes, that a Check will be speedily put to these nominal and fictitious Votes by your Lordships Decision, which the Petitioners hope will be sustained as an Apology for the Lateness of this Application.

May it therefore please your Lordships to grant Warrant for serving the said James Blair, *with a Copy of this Complaint, personally, or at his Dwelling-place, if within* Scotland, *or at the Market-cross of* Edinburgh, *Pier and Shore of* Leith, *if forth thereof, and to ordain him to put in his Answers thereto, within thirty Days after such Service; and, upon the Merits of this Complaint, to find, that the Freeholders did wrong in appointing him to be inrolled, and to order him to be struck out of the Roll, agreeable to the Directions of the Statutes in that behalf made.*

According to Justice, &c.

J. A. BOSWELL.

JANUARY 15, 1763.

REPLIES

FOR